



Alan C. Lloyd, Ph.D.  
Agency Secretary

# California Regional Water Quality Control Board

## Central Valley Region

Robert Schneider, Chair



Arnold  
Schwarzenegger  
Governor

### Sacramento Main Office

11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114  
Phone (916) 464-3291 • FAX (916) 464-4645  
<http://www.waterboards.ca.gov/centralvalley>

9 January 2006

Brian Amme, Vegetation EIS Project Manager  
Bureau of Land Management  
P.O. Box 12000  
Reno, NV 89520-0006

### COMMENTS TO THE BUREAU OF LAND MANAGEMENT'S (BLM) VEGETATION TREATMENTS USING HERBICIDES DRAFT PROGRAMMATIC ENVIRONMENTAL IMPACT STATEMENT (PEIS)

- 1 Thank you for allowing us the opportunity to comment on the subject PEIS dated November 2005. The Regional Water Quality Control Board regulates the discharge of waste through issuance of Waste Discharge Requirements (WDRs) and National Pollutant Discharge Elimination System (NPDES) permits.
- 2 According to the Federal Ninth Circuit Court of Appeals, the application of pesticides into waters of the United States, or onto aquatic plants growing in waters of the United States, results in discharges of pollutants and requires coverage under an NPDES permit.
- 3 The PEIS proposes several alternatives to control vegetation. The preferred alternative, Alternative B, proposes to expand herbicide use and allow for use of new herbicides in 17 western states. This alternative will allow the use of two herbicides labeled for aquatic use; diquat and fluridone.
- 4 Prior to applying aquatic pesticides directly into a waterbody in California, the BLM must apply for a Statewide General NPDES permit for use of aquatic pesticides. Information regarding this permit and the applicable fee schedule can be found at this website: <http://www.waterboards.ca.gov/aquatic/index.html>.
- 5 Another concern with Alternative B is that the BLM would use new active ingredients that are developed in the future if the BLM determines that the benefits of use on public lands outweigh the risks to human health and the environment. The PEIS fails to explain or provide examples of what type of benefits can outweigh risks to human health and the environment. What does the BLM consider an acceptable risk to human health and the environment?
- 6 At the very least, the evaluation of new active ingredients must confirm that their use will result in compliance with applicable water quality regulations. Also note that new products may not be applied to water unless allowed by the NPDES permit.
- 7 In the "Monitoring" section, it states that, "Post-treatment monitoring generally occurs within 2 years after treatment and, where applicable, should include a water monitoring program to determine the effectiveness of buffer strips and impacts, if any, to water quality." If BLM applies aquatic pesticides, post-treatment monitoring 2 years after an application will not show if there was an impact or not.

*California Environmental Protection Agency*

7  
cont.

To make monitoring data more useful, surface water monitoring must occur at least prior to an application as well as immediately after an application in one or more sites downstream of the treatment area. Our office has on file available for your viewing examples of monitoring plans that may serve as models for the plans that would have to be developed for your project.

8

If you have any questions regarding these comments, please call me at (916)464-4636 or by e-mail at [ealejandrino@waterboards.ca.gov](mailto:ealejandrino@waterboards.ca.gov).



Emily Alejandrino  
Environmental Scientist  
Agricultural Regulatory and Planning Unit